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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 ALLEN HAMMLER,

12 Plaintiff,

13 vs.

14 J. LYONS, et al.,

15 Defendants.  
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**1:19-cv-01650-AWI-GSA-PC**

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS IN FULL  
(ECF No. 24.)**

**ORDER FOR THIS ACTION TO PROCEED  
ONLY AGAINST DEFENDANT LUCAS  
FOR RETALIATION AND VIOLATION OF  
FREEDOM OF SPEECH UNDER THE  
FIRST AMENDMENT, AND DISMISSING  
ALL OTHER CLAIMS AND DEFENDANTS**

**OBJECTIONS, IF ANY, DUE IN 14 DAYS**

19 Allen Hammler (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis*  
20 with this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United  
21 States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

22 On November 4, 2020, the court entered findings and recommendations, recommending  
23 that this action proceed only against defendant A. Lucas (Appeals Coordinator) for retaliation  
24 and violation of freedom of speech, under the First Amendment, and that all other claims and  
25 defendants be dismissed from this action based on Plaintiff’s failure to state a claim. (ECF No.  
26 24.) Plaintiff was granted fourteen days in which to file objections to the findings and  
27 recommendations. (*Id.*) The fourteen-day time period has expired, and no objections have been  
28 filed.

1 In accordance with the provisions of 28 U.S.C. § 636, the Court has reviewed the matter.  
2 The court finds the findings and recommendations to be supported by the record and proper  
3 analysis.

4 Accordingly, THE COURT HEREBY ORDERS that:

- 5 1. The findings and recommendations issued by the Magistrate Judge on November  
6 4, 2020, are ADOPTED in full;
- 7 2. This action now proceeds with Plaintiff's First Amended Complaint, filed on  
8 April 3, 2019, against defendant A. Lucas (Appeals Coordinator) for retaliation  
9 and violation of freedom of speech, in violation of the First Amendment;
- 10 3. All other claims and defendants are dismissed from this action for Plaintiff's  
11 failure to state a claim upon which relief may be granted under § 1983;
- 12 4. Plaintiff's claims for violation of the prison appeals process, denial of access to  
13 courts, conspiracy, and violation of equal protection are dismissed from this action  
14 based on Plaintiff's failure to state any claims upon which relief may be granted;
- 15 5. Defendant Gonzales is dismissed from this action based on Plaintiff's failure to  
16 state any claims against him or her upon which relief may be granted; and
- 17 6. This case is referred back to the Magistrate Judge for further proceedings,  
18 including initiation of service of process.

19 IT IS SO ORDERED.

20 Dated: December 4, 2020

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23 SENIOR DISTRICT JUDGE  
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